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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of the application:

Class: 084 Subclass: 743.000

Prior Application:

Serial No.: 08/720,295

Filed: September 26, 1996

Examiner: J. Donels

Art Unit: 2017

"EXPRESS MAIL" Label No:

EE306109698US

Date of Deposit:

April 10, 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Marianna Tortorelli

(Name of person mailing paper or fee)

Marianna Tortorelli

(Signature of person mailing paper or fee)

April 10, 1998

Box Patent Application
Commissioner of Patents
and Trademarks
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)(1)

Sir:

This is a request for filing a

☒ Continuation

☐ Divisional

application under 37 CFR 1.52(b)(1) of pending prior application Serial No. 08/720,295 filed on September 26, 1996 for METHOD AND APPARATUS FOR SIMULATING A JAM SESSION AND INSTRUCTING A USER IN HOW TO PLAY IN THE DRUMS.

1: Copy of Prior Application as Filed Which is Attached

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- ☒ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed.
- ☒ 35 pages of specification (including 7 pages of claims)
- ☐ 1 page of Abstract
- ☐ 9 sheets of drawing
- ☐ 2 pages of declaration and power of attorney filed on September 26, 1996.
- ☐ 2 pages of declaration and power of attorney as filed on April 17, 1997 to correct an informality.

2.

Amendments

- ☒ ~~Cancel~~ in this application original claims 2-36 of the prior application before calculating the filing fee.
 - ☒ A preliminary amendment will be promptly submitted.
3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment.
- ☒ Please consider this paper a Petition to Suspend Prosecution For the Time Necessary to File the above mentioned Preliminary Amendment (New Application Filed Concurrently).
4. Information Disclosure Statement
- ☐ An information disclosure statement is submitted herewith.
 - ☒ Please consider the prior art from the parent case.

5. Fee calculation (37 CFR 1.16) (SMALL ENTITY)

| | Number Filed | | Number Extra | Rate | Calculations | |
|---------------------------------|-----------------|---|-----------------|------|--------------|----------------------|
| Claims | 1 | - | 20 | = 0 | x \$11.00 | \$ <u>0</u> |
| Independent Claims | 1 | - | 3 | = 0 | x \$41.00 | \$ <u>0</u> |
| Multiple Dependent Claims | NONE | | | | | \$ <u> </u> |
| BASIC FEE | | | | | | \$ <u>395.00</u> |
| | | | | | Total: | \$ <u>395.00</u> |

6. Small Entity Status

- ☐ A verified statement that this is a filing by a small entity is attached.
- ☒ The small entity statement was filed in the parent application and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

7. Drawings are enclosed.

- ☒ formal
- ☐ informal

8. Priority - 35 U.S. C. 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed on _____ in prior U.S. application Serial No. _____, which prior application was filed on _____.
- ☐ Certified copy will follow.

9. Relate Back - 35 U.S.C. 120

☒ Amend the specification by inserting, before the first line the following sentence:

"This is a

☒ continuation

☐ divisional

of copending application(s)

☒ Serial Number 08/720,295 filed on September 26, 1996, now U.S. Patent No. 5,739,457.

☐ International Application _____ filed on _____ and which designated the U.S.

10. Inventorship Statement

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in the application are:

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted.

(b) The inventorship for all the claims in this application are

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time last claimed invention was made, is submitted.

11. Assignment

☐ The prior application is assigned of record to _____.

☐ An assignment of the invention to _____ is attached. A separate ☐ "Cover Sheet for Assignment Document Accompanying New Patent Application" or ☐ Form PTO 1594 is also attached.

12. Method of Payment of Fees

- ☒ Attached is a check in the amount of \$ 395.
- ☐ Charge Deposit Account No. _____ in the amount of
\$ _____. (A duplicate of this request is attached.)

13. Authorization to Charge Additional Fees

- ☐ The Commissioner is hereby authorized to charge the following additional fees which my required by this paper and during the entire pendency of this application to Account No. _____.

- ☐ (filing fees)
- ☐ (presentation of extra claims)
- ☐ (surcharge for filing the basic filing fee and/or declaration on a
date later than the filing date of the application)
- ☐ (Application processing fees)
- ☐ (issue fee at or before mailing of Notice of Allowance)

14. Power of Attorney

The power of attorney and associate power of attorney in the prior application are to

Power:

Peter H. Priest
Reg. No. 30,210

- a. ☒ The power appears in the original papers in the application.
- b. ☐ Since the powers do not appear in the original papers, copies of the powers in the
prior application are enclosed.
- c. ☐ A new power has been executed and is attached.
- d. ☒ Address all future communications to:

Peter H. Priest, Esq.
Law Offices of Peter H. Priest
529 Dogwood Drive
Chapel Hill, North Carolina 27516

15. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____.
- ☐ A copy of the petition for extension of time in the prior application is attached.

16. Conditional Petitions for Extension of Time in Prior Application

- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition for extension of time in the prior application is attached.

17. Abandonment of Prior Application

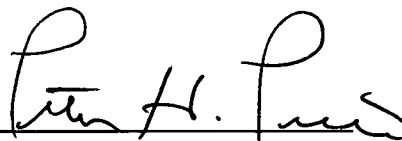
- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

18. Notification in Parent Application of the Filing of the Continuing Application.

- ☐ A notification of the filing of this continuation is being filed in the parent application from which this application claims priority under 35 USC § 120.

April 10, 1998

Respectfully submitted,



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